

FRANKFORT/FRANKLIN COUNTY
PLANNING COMMISSION

SEPTEMBER 13, 2007
5:30 P.M.

CHAIRMAN DWAYNE COOK, PRESIDING

Chairman Dwayne Cook called the meeting to order. Recording Secretary Dianna Rogers called the roll.

Members Present: Sherron Jackson
Patti Cross
Charles Booe
Vickie Sewell
David Garnett
Darrell Sanderson
Dwayne Cook (7)

Members Absent: Charles Stewart
Annie Metcalf
Joel Schrader
Keith Lee (4)

There being a quorum, the meeting proceeded.

Chairman Cook stated the meeting for October would be one week later and would be held on October 18.

A motion was made by Ms. Cross to approve the minutes of the meeting of August 9, 2007. Mr. Booe noted a correction needed to be made. He stated page 5, paragraph 5, second to last sentence should say "sex" offender. The correction was accepted and the motion was seconded by Mr. Sanderson and carried unanimously.

A motion was made by Mr. Garnett to approve the following bills for payment:

Dianna Rogers (PC/July)	\$ 300.00
Dawn McDonald (BZA/August)	150.00
Edwin Logan (PC/July)	550.00
State Journal – Advertising	934.29

The motion was seconded by Mr. Sanderson and carried unanimously.

There were no Reports of Officers, Standing Committees or Special Orders.

Under Special Select Committees, it was stated there would be a Transportation Committee of the Comprehensive Plan meeting on September 19 at 6 PM at the Court House Annex.

Under Staff Items, Mr. Gary Muller, stated the Planning Commission Traffic Consultant had a two year contract and an option to renew for three years. He stated that contract would be expiring October 17. He requested there be some changes and the contract be continued. A motion was made by Ms. Cross to continue the contract month to month until November with changes being brought to the Commission for their review. The motion was seconded by Mr. Garnett and carried unanimously.

The first item of new business was a request of staff discussion, in accordance with Sections 1.15.01 and 7.11.00 of the City's and County's Subdivision and Development Plan Regulations. Staff is requesting the Planning Commission to initiate text amendments to the referenced sections of this document, as well as other sections deemed appropriate and direct staff to prepare such amendment.

Mr. Gary Muller, City Planning Director, stated he was requesting the Planning Commission to initiate an amendment to allow the Subdivision Update Committee to prepare and initiate text amendments to bring to the Planning Commission for review and action. A motion was made by Mr. Garnett to direct staff to initiate text amendments as requested in the City and County Subdivision and Development Plan Regulations and bring them back for discussion and approval. The motion was seconded by Ms. Sewell and carried unanimously.

A motion was made by Mr. Garnett to alter the agenda and her item 3 next. The motion was seconded by Ms. Sewell and carried unanimously.

The next item of business was a request from Hinton/McGraw Builders and Developers for approval of an amended Development Plan/Landscape Plan for the 115 residential patio homes, known as The Villas at Berry Hill, on the 45.84 acre property located at 1007 Leawood Drive, more specifically described as PVA map #062.00.00.015.00.

Mr. Charlie Jones, Attorney, was present for the applicant. He stated his client was requesting to amend the landscape portion of the development plan to allow for the clearing of an additional strip of land. He stated the new clearing area lies between the residential units and a site that was formerly to be used as part of the stormwater management plan. He added it was determined that the use of this area was not necessary and that the revised stormwater plan was approved by the City's Public Works Department.

Mr. Jones added his clients have determined that they have an additional amount of spoil material on site which they would like to use to fill in the former detention area and the strip of land that lies between this area and the residential units. He added this would allow for a level green space area behind several homes. Mr. Jones stated that filling this area will necessitate the removal of nine trees and some undergrowth vegetation. He stated one or two of these trees have already been weakened by utility work in the area and may have to be removed regardless. He added that the surrounding trees would not survive with this fill material around them necessitating their request to remove them.

Mr. David Garnett asked if they were going to use trees higher than the existing tree line. Mr. Jones stated he was not sure. Ms. Deborah Diles was in the audience and stated she had just purchased a home on Ewing Street that backs up to the property. Mr. Jones stated there would be no impact to her.

Mr. Gary Muller, City Planning Director, stated he had no changes to his staff report. Mr. Garnett asked if Mr. Muller knew if the view of the tree line would be changed at the Frankfort Cemetery. Mr. Muller stated he did not know. Ms. Cross stated she was concerned about the Louisville Hill stability. Mr. Muller stated Public Works was in support of the development plan. Mr. Muller stated that per Andrew Cammack, the City's Arborist, the trees in the fill area would die.

A motion was made by Mr. Garnett to table the item to the next month meeting. He stated he wanted to see if there would be a change to the view line at any vantage point in Frankfort. The motion was seconded by Mr. Jackson. Those voting in favor of the motion: Mr. Jackson, Ms. Cross, Mr. Sewell and Mr. Garnett. Those voting against the motion: Mr. Booe, Mr. Sanderson, Mr. Cook. The motion carried 4-3.

The next item of business was a presentation and discussion by Mr. Mike Davis with the Office of Economic Adjustment (OEA), describing the Joint Land Use Study (JLUS) Program and discuss the prospective of the County and/or City to participate in a JLUS for the Boone National Guard Center.

Mr. Davis showed the Commission a tape. He stated the OEA would pay for 90% of the study. Mr. Garnett stated a decision has already been made to expand the base and that it would have been nice to have this a year ago. He added the City and the County have already signed off on this. Mr. Jackson stated the City and the County governments have already taken a position so how would this study be put into process. Mr. Mike Wilson stated he felt they should have delayed action until the study but realistically the study should parallel the development. Mr. Jackson asked how long the study takes. Mr. Wilson stated usually a year but it depends on the community and how fast or slow they want to go.

Mr. Jackson asked how things are paid for if suggested in the study. Mr. Wilson stated the National Guard pays for what they need. The Commission thanked the gentlemen for their appearance.

Mr. Garnett made a motion to reconsider the Berry Hill item. The motion was seconded by Mr. Jackson and carried unanimously. Mr. Garnett stated another way to address the item was to approve the request contingent on staff verification of the tree line. A motion was made by Mr. Garnett to approve item 3 of new business contingent on staff conditions being met and that there is not alteration of the tree line at the Daniel Boone Grave Site and if there is an alteration staff come back to the Planning Commission for the October meeting. The motion was seconded by Mr. Sanderson and carried unanimously.

Ms. Jane Julian stated she had comments regarding the National Guard presentation. Mr. Edwin Logan, Commission Attorney, stated this was a presentation. Ms. Julian asked what land they were talking about. Mr. Muller stated the proximity of the outer boundaries of military establishment.

The next item of business was a request from Charlie Jones, Attorney, on behalf of M&W, LLC for approval of a modification of standard to Section 3.03.02, Design Standards for Thoroughfare and Neighborhood Streets (3.03.02.Q and Table 3.4 Pavement Design and Construction Standards) for the Parkside Development. Specifically, the applicant is requesting a modification to allow the public streets of John Davis and Jett Boulevard (that have current curb and gutters) be designed and constructed with 8 inches of compacted DGA base rather than the required 10 inches. The subject property is located at the southwest corner of the intersection of I-64 and Versailles Road and has the PVA map # of 086-00-00-021.00.

Mr. Charlie Jones, Attorney, was present for the applicant. Mr. Garnett asked if there were design standards in place and why didn't the developer look at the standards first. Mr. Jones stated they submitted three sets of construction plans and this was never highlighted as a problem so they thought everything was fine. He added their new proposal is better as it is a superior alternative because the road would have a stronger road base. Mr. Jones stated Public Works was at the site three times during "proof rolling" and it was not caught. Mr. Jackson stated it was sloppy work by their engineer. Mr. Jones stated he was not in favor of staff condition #4 and requested it be inserted that the use 1" aggregate in the base and not ¾". There was no one in the audience to speak regarding this request.

Mr. Booe asked Mr. Logan if they had the power to prohibit modifications. Mr. Logan stated yes. Mr. Muller stated condition 4 was for construction plans only and the construction plans are approved now.

Mr. Gary Muller, City Planning Director, was present and stated he had a correction to his staff report on page one. He stated line eight should have read “the required 10”/4”/1.5”. Mr. Muller stated he recommended approval with staff conditions and asphalt base.

Mr. Eric Brooker, Public Works Engineer, was present and stated the proposed request is a slight improvement and the that larger stone is a stronger design. Mr. Brooker stated 1” aggregate stone would be superior per Mr. Brooker. A motion was made by Mr. Garnett to approve the request contingent on staff items 1, 2 & 3 of page 9 being met and a new condition 4 that the asphalt be made with stone at least one inch in size. The motion was seconded by Mr. Sanderson and carried unanimously.

The next item of business was a public hearing request from WWW Properties, LLC for a zone map amendment from Agricultural (AG) District to Highway Commercial (CH) District for a 2.94 acre portion (tract A) and 5.06 portion (tract B) of the property bound by Versailles Road (US 60) to the east and Hanley Lane to the west in Franklin County, Kentucky. The property is more specifically described as Property Valuation Administrator map ID #086-00-00-017.00.

Ms. Vickie Sewell recused herself from participation in this hearing and left the meeting.

The Secretary stated this was a called public hearing under the authority of K.R.S. 100.213, paragraph 1 to consider a zone map amendment as requested by WWW Properties, LLC.

The Commission is conducting an evidentiary hearing as there will be the taking of sworn testimony, findings of fact based upon substantial evidence and the conclusions supported by those findings.

The Secretary swore in all wishing to speak regarding this request.

Mr. Bill Ayer, Attorney, 326 West Main Street, was present for the applicant. He stated he represented WWW Properties and Frances Canty. He stated they were in agreement with the staff report presented to them.

Mr. Garnett stated that page 4, figure 3 shows the I-64 ramp would go to level C and page 7, figure 5, shows the level B. He added it shows after the Parkside Development that traffic will improve.

He added that page 10 also shows after this parcel development that traffic will improve. Mr. Tom Creasey, Commission Traffic Consultant, stated the Parkside Traffic Study was used as a basis and they built on that. He stated the assumption was traffic signals could be retimed for Parkside and would create an improvement.

Mr. Robert Hewitt, County Planning Director, was present and stated he had no additions or deletions to his staff conditions in the staff report. He stated he compared the development to the goals and objectives of the previous plan and the new ones. He stated it did not create any altering of his staff report. Mr. Hewitt requested his staff report be entered into the record in lieu of additional testimony.

Mr. Garnett asked if the parking lot backside would appear on Versailles Road. Mr. Hewitt stated he could only strongly encourage that it not. There was no one in the audience to speak in favor or in opposition to the request.

A motion was made by Mr. Garnett to close the public hearing. The motion was seconded by Mr. Jackson and carried unanimously.

A motion was made by Mr. Jackston to adopt the staff report, including additional testimony and take action tonight. The motion was seconded by Mr. Booe and carried unanimously.

A motion was made by Mr. Garnett to adopt findings of fact 1 through 5 of the staff report. The motion was seconded by Mr. Booe and carried unanimously.

A motion was made by Mr. Garnett to adopt finding of fact #6 that the relocation of the northern intersection from the development to opposite of Capital Complex will not adversely affect the level of service at that intersection. The motion was seconded by Mr. Jackson and carried unanimously.

A motion was made by Mr. Garnett that findings of fact cease. The motion was seconded by Mr. Jackson and carried unanimously.

A motion was made by Mr. Garnett to approve the zone map amendment based on the six findings of fact and that the request was in compliance with the Comprehensive Plan and recommend approval to Fiscal Court. The motion was seconded by Mr. Sanderson and carried unanimously.

The final item of business was a public hearing for a text amendment from the City of Frankfort Planning Staff for a text amendment of Section 2.10 of the City's Zoning Regulations to adopt the GIS rendition of the current zoning map atlas as the office zoning map atlas. No properties are being rezoned or changed to a different zoning district by this action – rather this action only establishes the GIS electronic generated zoning map as the official zoning map atlas for the City of Frankfort.

The Secretary stated this was a called public hearing under the authority of K.R.S. 100.213, paragraph 2 to consider a text amendment as requested by the City of Frankfort Planning Staff.

The Commission is conducting an evidentiary hearing as there will be the taking of sworn testimony, findings of fact based upon substantial evidence and the conclusions supported by those findings.

The Secretary swore in all wishing to speak regarding this request.

Mr. Gary Muller, City Planning Director, stated there was one correction to the staff report. He stated the date on the report was erroneously listed as January 2007 and should reflect that the report was prepared ten days ago. Mr. Logan requested the staff report, including the date correction, be entered into the record in lieu of additional testimony.

A motion was made by Mr. Garnett that the public hearing be closed. The motion was seconded by Ms. Cross and carried unanimously.

A motion was made by Mr. Jackson that the staff report be adopted as the summary. The motion was seconded by Mr. Booe and carried unanimously.

A motion was made by Mr. Garnett to adopt the finding of fact that the original version of the Zoning Map is damaged and difficult to read. The motion was seconded by Mr. Jackson and carried unanimously.

A motion was made by Mr. Garnett to adopt the finding of fact that the current Zoning Map contains flood information no longer accurate. The motion was seconded by Mr. Jackson and carried unanimously.

A motion was made by Mr. Garnett that findings of fact cease. The motion was seconded by Mr. Sanderson and carried unanimously.

A motion was made by Mr. Garnett based on the findings of fact the request be approved by the Planning Commission and recommended to the City Commission for approval. The motion was seconded by Ms. Cross and carried unanimously.

A motion was made by Ms. Cross to adjourn. The motion was seconded by Mr. Garnett and carried unanimously.

Chairman Dwayne Cook

Recording Secretary
Dianna Rogers

